

MEETING DATE October 6, 2014		CONTACT/PHONE Schani Siong, Project Manager 805-781-4374 ssiong@co.slo.ca.us		APPLICANT John and Stephanie Decker/ Bradford G. Jones		FILE NO. COAL 13-0072 SUB2013-00013	
SUBJECT Hearing to consider a request by JOHN AND STEPHANIE DECKER/ BRADFORD G. JONES for a Lot Line Adjustment (COAL13-0072) to adjust the lot lines between two (2) parcels of 340.40 acres and 285.69 acres each. The adjustment will result in two (2) parcels of 340.40 acres and 285.69 acres each. The adjustment will not result in the creation of any additional parcels. The proposed adjustment is within the Agriculture land use category and is located at Monte Cristo Place, approximately 0.6 miles south of the intersection of Monte Cristo Place and Highway 1, southeast of the community of Cambria. The site is in the North Coast planning area.							
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 13-0072 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.							
ENVIRONMENTAL DETERMINATION A General Rule Exemption was issued on September 9, 2014 (ED14-063)							
LAND USE CATEGORY Agriculture		COMBINING DESIGNATION Coastal Appealable Zone, Local Coastal Plan, Sensitive Resource Area, Flood Hazard, Geologic Study Area, Terrestrial Habitat, Streams and Riparian Vegetation			ASSESSOR PARCEL NUMBERS 013-181-020, 013-201-046		SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: None applicable							
LAND USE ORDINANCE STANDARDS: 23.04.024 Subdivision Design Standards for the Agriculture land use category, 23.07.060 Flood Hazard, 23.07.080 Geologic Study Area, 23.07.160 Sensitive Resource Area, 23.07.174 Streams and Riparian Vegetation, 23.07.176 Terrestrial Habitat; Title 21, Section 21.02.030 – Real Property Division Ordinance – Lot Line Adjustments							
EXISTING USES: Single Family Residence, Barn, and Grazing Land							
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture, grazing <i>East:</i> Agriculture, grazing and rural residences <i>South:</i> Agriculture, grazing and rural residences <i>West:</i> Recreation (Cambria Air Force Station); Public Facilities (Radar Station); Agriculture (grazing); Pacific Ocean							
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: North Coast Advisory Council, Public Works, Agricultural Commissioner, Cambria Community Service District, Caltrans and the Coastal Commission,							

TOPOGRAPHY: Moderate to steep slopes	VEGETATION: Grasses, coastal scrub, Monterey Pine, oak woodland, and riparian areas (associated with the unnamed creek)
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CalFire	ACCEPTANCE DATE: June 10, 2014
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242	

ORDINANCE COMPLIANCE

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES	ADJUSTED PARCEL SIZES
Parcel 1 - 340.40 acres	340.40 acres
Parcel 2 - 285.69 acres	285.69 acres

Background

Both the Decker property (Parcel 1, APN 013-181-020) and the Jones property (Parcel 2, APN 013-201-046) were once part of a larger ranch. The original homestead was split between the two ownerships when the two legal parcels were sold because the parcel boundary was located in the middle of the homestead. The homestead site is relatively flat making it an appropriate area for the ranch headquarters. Mr. Decker's property (Parcel 1) includes most of the original homestead. The homestead includes the residence, barns and farm corrals for various cattle operations.

Mr. Decker is proposing the lot line adjustment and agricultural preserve amendments to consolidate the homestead site entirely on his property. The lot line adjustment will provide a greater setback from the property line for the existing development on his parcel. The adjustment will also result in better drainage around the homestead area, as the drainage management will be entirely under a single ownership. Mr. Jones' property, Parcel 2, is served by a well, which is currently located directly on the recorded property boundary. The lot line adjustment will allow Mr. Jones' property line to be moved so his well can be located entirely within his property.

Real Property Division Ordinance – Lot Line Adjustment

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The minimum parcel size in Title 23 (for subdivisions creating *new* parcels as opposed to lot line adjustments between *existing* parcels) is used to evaluate proposed lot line adjustments under the “equal to or better than” criteria in the Real Property Division Ordinance. The minimum parcel size for new subdivisions in Section 23.04.024 for the Agriculture land use category is based on Subsections B (Size based upon existing use) or C (Size based upon land capability). If the parcel is under an agricultural preserve and land conservation contract, Subsection D applies. This section states:

“Where a legal lot of record in the Agriculture category is under Williamson Act agricultural preserve contract, the minimum parcel size is based on the terms of the preserve (and) contract.”

Both Parcel 1 and Parcel 2 are under separate Williamson Act land conservation contracts and are considered compliant with their contracts. The Rules of Procedure (to implement the Williamson Act) in effect when the two properties entered into contracts required only 100 acres of land suitable for grazing. Both parcels exceeded 100 acres in size and were eligible for contracts.

Existing Parcel 1 consists of 340.4 acres and Parcel 2 consists of 285.69 acres. As an equal acreage exchange, both parcels will maintain their current acre sizes after the adjustment. (Based on the subdivision criteria for minimum parcel size, Parcel 1 is a conforming parcel and exceeds 320 acres in size, whereas Parcel 2 is a nonconforming parcel that will remain the same size. Therefore, this adjustment is considered equal pursuant to the Real Property Division Ordinance).

Conclusions

The adjustment will result in the reconfiguration of a portion of the shared property boundary to reflect the existing uses on the sites and allow for an exchange of land which will maintain a position which is ‘better than or equal to’ the existing situation relative to the county’s zoning and building ordinances.

Access to the properties will be unchanged since there is a road which provides access for existing Parcel 1 and Parcel 2, and will be not affected by this adjustment. The proposed lot line adjustment does not create more development potential than what exists today.

SB 497

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County’s local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. The adjustment results in an equal position because the parcels remain the same size prior and after the adjustment. Based on this, staff has concluded that the adjustment is consistent with both state and local law.

STAFF COMMENTS:

Williamson Act

The Jones property and the Decker property are in separate agricultural preserves and separate land conservation contracts. The alteration of the agricultural preserve boundaries and new contracts are necessary because the Government Code (Williamson Act) requires new contracts to be entered into when contracted land is subject to lot line adjustment. Also, the legal description for the contract must match the legal description for each resulting parcel.

Government Code Section 51257 (Williamson Act) sets forth criteria allowing for (but limiting) the exchange of land through lot line adjustment on contracted land. The criteria (and intent) limit the amount and quality of land that can be exchanged between non-contracted and contracted land to ensure that like amounts and equal quality of soils are exchanged to protect agricultural resources.

Because the boundaries of the agricultural preserves need to be altered and new land conservation contracts must be entered into to reflect the proposed lot line adjustment, the property owners submitted applications to alter the boundaries of the agricultural preserve. On August 25, 2014 the Agricultural Preserve Review Committee (Review Committee) reviewed the proposed agricultural preserve boundary revisions. The Review Committee is recommending that the Board of Supervisors approve the amendments to the two agricultural preserves and the new land conservation contracts. The agricultural preserve applications will proceed on to the Board for final approval this fall. The lot line adjustment certificates of compliance or parcel map need to be recorded simultaneously with the new land conservation contracts to ensure compliance with the Williamson Act.

Comments received from the Agriculture Department state that they consider "...the proposal to be equal to the existing parcel configuration in terms of agricultural resources. This determination is based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations."

COASTAL PLAN POLICIES:

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: ☒

Policy No(s): 20, 33

Agriculture: ☒

Policy No(s): 1, 2

Public Works: N/A

Coastal Watersheds: N/A

Visual and Scenic Resources: N/A

Hazards: N/A

Archeology: N/A

Air Quality: N/A

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats

Policy 20: Coastal Streams and Riparian Vegetation. Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

Staff Comments - The proposed adjustment is within an area designated as having sensitive riparian vegetation. The proposed adjustment does not include any new development. The proposed adjustment will not disrupt any onsite resources and complies with this standard.

Policy 33: Agriculture and Open Space Preserves. The county should encourage the uses of Agriculture Preserves or Open Space Preserves to protect sensitive habitat areas where public acquisition is not feasible.

Staff Comments – Both parcels in the proposed adjustment are under Williamson Act agricultural preserves and land conservation contracts. The boundaries of the agricultural preserves need to be altered and new land conservation contracts must be entered into by the property owners to reflect the proposed lot line adjustment. The property owners have submitted applications to amend the existing agricultural preserve to reflect the proposed lot line adjustment. On August 25, 2014 the Agricultural Preserve Review Committee (Committee) reviewed the proposed agricultural preserve boundary revisions and is recommending that the Board of Supervisors approve the contract amendment. The proposed adjustment complies with this standard.

Agriculture

Policy 1: Maintaining Agricultural Lands. Prime agricultural land shall be maintained, in or available for, agricultural production unless: 1) agricultural use is already severely limited by conflicts with urban uses; or 2) adequate public services are available to serve the expanded urban uses, and the conversion would preserve prime agricultural land or would complete a logical and viable neighborhood, thus contributing to the establishment of a stable urban/rural boundary; and 3) development on converted agricultural land will not diminish the productivity of adjacent prime agricultural land.

Other lands (non-prime) suitable for agriculture shall be maintained in or available for agricultural production unless: 1) continued or renewed agricultural use is not feasible; or 2) conversion would preserve prime agricultural land or concentrate urban development within or contiguous to existing urban areas which have adequate public services to serve additional development; and 3) the permitted conversion will not adversely affect surrounding agricultural uses.

Staff Comments. Neither of the parcels involved in the lot line adjustment are located on prime agricultural soils. The proposed adjustment does not include any new development and the adjustment does not result in additional parcels. The proposed adjustment will not disrupt any onsite resources and complies with this standard.

Policy 2: Division of Land. Land division in agricultural areas shall not limit existing or potential agricultural capability. Divisions shall adhere to the minimum parcel sizes set forth in the

Coastal Zone Land Use Ordinance. Land divisions for prime agricultural soils shall be based on the following requirements:

- a. The division of prime agricultural soils within a parcel shall be prohibited unless it can be demonstrated that existing or potential agricultural production of at least three crops common to the agricultural economy would not be diminished.
- b. The creation of new parcels whose only building site would be on prime agricultural soils shall be prohibited.
- c. Adequate water supplies are available to maintain habitat values and to serve the proposed development and support existing agricultural viability.

Land divisions for non-prime agricultural soils shall be prohibited unless it can be demonstrated that existing or potential agricultural productivity of any resulting parcel determined to be feasible for agriculture would not be diminished. Division of non-prime agricultural soils shall be reviewed on a case-by-case basis to ensure maintaining existing or potential agricultural capability.

Staff Comments: The request is not a subdivision of land to create new parcels but rather an adjustment of existing parcels. Comments were received from the Agriculture Department indicating that they consider the lot line adjustment to be equal to the existing parcel configuration in terms of agricultural resources. This determination was based on a comparison of the proposed and existing parcels when considering potential long-term impacts to agricultural resources and operations. Future development shall be limited to the already disturbed homestead site. There are wells with adequate water serving the existing cattle operations. There are no developments proposed with this project and as such, this project complies with this standard.

COMMUNITY ADVISORY GROUP COMMENTS: The North Coast Community Advisory Council (NCAC) reviewed and recommended approval of the project on October 31, 2013.

AGENCY REVIEW:

Public Works- *Per referral response dated August 18, 2013.*

- *Submitted Lot Line Adjustment Map need to be revised to comply with Section 21.02.030. See attached comments in review checklist.*

California Coastal Commission – *Per referral comments dated September 12, 2013.*

- *Provide clear defined reasons for the proposed Lot Line Adjustment in the NOFA*
- *Meet the required finding in LUP Policy 3 and CZLUO Section 23.04.024 that the proposed project is 'maintaining or enhancing agricultural viability' or maintaining 'existing or potential agricultural productivity or capability'.*

LEGAL LOT STATUS:

One of the two existing parcels was evaluated and determined to be a legal parcel. The parcel was then recognized as a legal parcel by the recordation of a certificate of compliance for Lot Line Adjustment COAL 98-192, Parcel 2 (Document 2001-001456 recorded on 1-9-01)

The other parcel was legally created by a recorded map, Parcel Map CO-83-097, Parcel A (Book 38, Page 25 of Parcel Maps).

Staff report prepared by Schani Siong and reviewed by Terry Wahler